IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4374 of 2006

CRMP.2095/2006 of J.M.F.C.,MAVELIKKARA
(CRIME NO. 127/2006 OF EXCISE RANGE MAVELIKKARA)

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PETITIONER/ACCUSED

HABEEB RAWTHER, S/O.MUSTHAFA RAWTHER,
PONMANA KIZHAKKETHIL,PAZHAKULAM PADINJARE MURI,
PALLICKAL VILLAGE,ADOOR TALUK.

BY ADV. SRI.VINCENT JOSEPH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 4374/2006

DATED THIS THE 21ST DAY OF JULY, 2006

O R D E R

The petitioner was found in illegal possession of three liters of spirit, on 27.5.2006 at 5.30 p.m., by the Inspector of Excise Range, Mavelikkara, who subsequently registered C.R.No.127/2006 of that Excise Range, under Section 55(a) of the Abkari Act. The petitioner is in judicial custody, from 28.5.2006, as remanded by the Court below, on production before it. Hence this application, under Section 439 Cr.P.C.

2. The investigation in respect of this petitioner, is nearly complete, submits the prosecution. After remand, the petitioner had not been sought for further interrogation, by the investigating officer. In such circumstances, I am inclined to grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties,

each for the like sum, to the satisfaction of the Judicial Magistrate of First Class, Mavelikkara.

(b). The petitioner shall report before the Investigation officer, once in a week, on every Thursday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 27.7.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs